



Jeffrey A. Simes  
212.813.8879  
jsimes@goodwinlaw.com

Goodwin Procter LLP  
The New York Times Building  
620 Eighth Avenue  
New York, NY 10018  
T: 212.813.8800  
F: 212.355.3333

October 16, 2023

**VIA ECF**

The Honorable Ona T. Wang  
Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: *Cassava Sciences, Inc. v. David Bredt, et al.*, Civil Action No. 22-cv-9409-GHW-OTW**

Dear Judge Wang:

We represent Defendants David Bredt and Geoffrey Pitt in the above-captioned matter. Pursuant to the Court's request at the March 8, 2023, initial pretrial conference in this matter, we write to inform the Court of a material development in one of the several investigations related to Cassava, its drug candidate Simufilam, and the research underlying its ostensible mechanism of action. Specifically, in a report made public late last week, a copy of which is attached, a research misconduct investigation committee convened by the City University of New York found "evidence highly suggestive of deliberate scientific misconduct" relating to articles by Dr. Hoau-yan Wang of CUNY and Dr. Lindsay Burns, Chief Science Officer of Cassava, including those relevant to this lawsuit. (Report at 1.)

Your Honor will recall that the allegations here center around Defendants' identification of certain irregularities in research published by Drs. Wang and Burns, who are the lead scientists on the development of Cassava's drug, Simufilam, at issue in this case, and which is currently in Phase 3 clinical trials involving hundreds of Alzheimer's patients. On October 12, 2023, *Science* published an online article revealing that CUNY had completed a formal investigation into Dr. Wang, including the relevant works co-authored with Dr. Burns, linking a copy of that report (both attached).<sup>1</sup> CUNY's findings are devastating for Cassava's positions in this lawsuit and its scientific claims about Simufilam. CUNY not only found Dr. Wang responsible for publishing data and figures in the questioned articles that are "suspicious," rife with "anomalies," and indicative of "cutting and pasting," but also noted that it was "frustrated by [Dr. Wang's] inability to provide even a single datum or notebook in response to any

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<sup>1</sup> The matter has also been covered by major news media. See Apoorva Mandavilli, *Scientists Investigating Alzheimer's Drug Faulted in Leaked Report*, N.Y. Times (Oct. 14, 2023), <https://www.nytimes.com/2023/10/14/health/alzheimers-drug-research-simufilam.html>; Nidhi Subbaraman and Joseph Walker, *Cassava Sciences Adviser Found to Have Committed 'Egregious Misconduct'*, Wall Street J. (Oct. 13, 2023), <https://www.wsj.com/health/healthcare/alzheimers-researcher-found-to-have-committed-misconduct-49d6428d>.



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allegation” and concluded “that Dr. Wang’s inability or unwillingness to provide primary research materials to this investigation represents egregious misconduct.” (Report at 1, 44.) The study found that Dr. Burns was personally “responsible for the errors” in certain research and that she “bears some measure of responsibility” for serious integrity questions on others. (*Id.* at 21, 31.) Simply put, noting a total inability or unwillingness of Dr. Wang to provide any of the original data in question, CUNY found “evidence highly suggestive of deliberate scientific misconduct” in nearly half of the thirty-one articles it reviewed, and substantially all of those referenced by Defendants. (*Id.* at 1.)

The CUNY Report further exposes the farcical nature of Cassava’s strategic lawsuit.<sup>2</sup> Drs. Bredt and Pitt performed a public service by raising valid concerns about ongoing studies relating to medical research and pending pharmaceutical development efforts. It is disappointing that Cassava continues to wield this baseless lawsuit as a means to squelch important scientific discourse, but we provide the attached materials as further support that the requested discovery stay remains warranted and the pending motions to dismiss should be granted.

We thank the Court for its attention to this matter.

Respectfully submitted,

*Jeffrey Simes*

Jeffrey A. Simes

Attachments

cc: All counsel of record (via ECF)

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<sup>2</sup> Based on Cassava’s most recent Form 10-Q, filed on August 3, 2023, we understand that the SEC and DOJ investigations into these issues are still ongoing; Cassava reported that it “cannot predict the outcome or impact” of the ongoing governmental inquiries, “including whether a government agency may pursue an enforcement action against the Company or others.”